

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

MICHAEL HARVEY

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Case No.: 1:06cr107-MHT

WAIVER OF DETENTION HEARING

Comes now, Michael Harvey, by and through undersigned counsel, Kevin L. Butler, Esq., and waives the detention hearing presently scheduled for April 21, 2006 at 2:00 p.m. However, pursuant to 18 U.S.C. § 3142(f), the defense reserves the right to reopen the hearing if new and material evidence is presented warranting the defendant's release. In support of this motion the defense states:

1. Mr. Harvey is charged by indictment with three (3) counts of engaging in sexual conduct with a person under the age of 12.
2. Mr. Harvey is a 19 year old resident of Mississippi with a history of psychiatric treatment. It is also alleged that Mr. Harvey has engaged in other incidents of uncharged inappropriate sexual conduct in his past.
3. Undersigned counsel is presently not able to address the stability of Mr. Harvey's residence, the extent of any psychiatric issues that may pose a danger to Mr. Harvey or the community, nor the nature of any psychiatric treatment that may be necessary if Mr. Harvey is released.
4. Therefore, the defense presently waives opposition to the government's motion for detention and withdraws its current request for a detention hearing.

5. However, undersigned counsel is seeking information regarding the stability and conditions of Mr. Harvey's residence in Mississippi and his prior mental health treatment. Additionally, undersigned counsel is attempting to arrange for a local psychiatric evaluation of Mr. Harvey.
6. Once undersigned counsel has completed this investigation and obtained any necessary records, pursuant to 18 U.S.C. § 3142 (f), the defense may reopen the detention hearing.
7. Mr. Harvey's signed waiver of detention hearing is attached.

WHEREFORE, for the reasons set for above, the defense waives the detention hearing presently scheduled for April 21, 2006, but reserves the right to reopen the hearing if new and material evidence is presented to the Court.

Dated this 21st day of April 2006.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Verne Speirs, Assistant United States Attorney.

Respectfully submitted,

s/ Kevin L. Butler
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